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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

JULIE L.,

Petitioner,

v.

THE SUPERIOR COURT OF
MENDOCINO COUNTY,

Respondent;

GABRIEL H. et al.,

Real Parties in Interest.

A149151

(Mendocino County
Super. Ct. No. SCUKJVSQ151721601)

Petitioner Julie L. brings this petition for extraordinary writ (Cal. Rules of Court, rule 8.452) challenging the order of respondent Superior Court of Mendocino County terminating her reunification services in a Welfare and Institutions Code section 300¹ dependency proceeding involving her son, Gabriel H., and setting a section 366.26 permanency hearing. She contends there is no substantial evidence supporting the court's findings that: (1) she had not made substantial progress in resolving the problems that led to Gabriel's removal, and (2) real party in interest Mendocino County Health and Human Services Agency (Agency) provided reasonable services. We conclude the findings are supported by substantial evidence, and we deny the petition on the merits.

¹ All statutory references are to the Welfare and Institutions Code.

BACKGROUND

The Family, the Allegations, and Jurisdiction

Gabriel was four years old when this dependency proceeding began in May 2015. Julie and Gabriel's father separated when Gabriel was an infant. Julie also had two older children, born in 2006 and 2007. Both children were removed from her care when they tested positive for amphetamine at birth. Reunification services were bypassed, and the children were adopted.

The incident that gave rise to this case occurred on May 4, 2015. As the Agency described it in its detention report, "The on-call Social Worker (SW) Shepard was called by Ukiah Police Department Dispatch who stated that they needed an emergency response worker to pick up a 4-year old child (later identified as Gabriel H[.]) from the Sunrise Inn as the mother was being arrested leaving a caretaker absence. When on location SW Shepard learned that another party reported that the mother is always yelling and hitting her child. SW Shepard noticed that the child had dry blood in his nose. Officer Maldonado reported that the child said 'Julie hit me' when asked what happened. Office Maldonado also stated that the child had a scratch on his abdomen . . . where Julie (his mother) kicked the child when he made her mad. The mother was arrested for physically abusing her 4-year-old child which left a caretaker absence." Gabriel was taken into protective custody and placed in foster care.

On May 7, the Agency filed a section 300 petition asserting that Gabriel came within the jurisdiction of the juvenile court based on allegations of serious physical harm (§ 300, subd. (a)), failure to protect (*id.*, subd. (b)), and abuse of sibling (*id.*, subd. (j)).

Following a contested jurisdictional hearing on June 10, the court sustained the following allegations:

Allegation b-2: Julie has a history of chronic substance abuse that severely impaired her ability to provide adequate care for and supervision of Gabriel. On May 4, 2015, she was arrested after physically abusing him.

Allegation b-3: Julie has not maintained a safe and sanitary living environment for Gabriel. The social worker that responded on May 4 found their motel room

completely disheveled and lacking food. Drawers in the room were “solid cockroaches.” Gabriel was climbing on a parked car and standing on the hood. The social worker had to restrain him in a car seat to prevent him from “ ‘running wild.’ ”

Allegation b-6: Julie has anger management problems related to her mental health, as evidenced by her May 4 arrest and her behavior during visitation.

Allegation j-1: In 2006 and 2007, Julie’s two older children were removed from her care when they tested positive for amphetamine at birth. Severe neglect allegations were substantiated, and the children were adopted. If left in Julie’s care, Gabriel would be at serious risk of harm since she did not appear to have made necessary changes to adequately care for him.

Disposition

In a July 15, 2015 dispositional order, the court ordered reunification services for Julie. Her case plan required her to stay free from illegal drugs and demonstrate her ability to live free from drug dependency. This entailed successfully completing the Red Road Program at the Consolidated Tribal Health Project (CTHP) and submitting clean drug tests. Julie was also required to complete a 52-week domestic violence/anger management program, avoid legal complications due to violence or anger problems, complete a written protection plan that clearly defined her role in protecting Gabriel, and participate in a psychological evaluation and follow all treatment recommendations. She was also required to consistently, appropriately, and adequately parent Gabriel. This entailed completing eight Intake Support Group sessions designed to deal with anger and denial relating to the intervention of child welfare services and enrolling in a Family Empowerment Group (FEG), as well as completing the Parenting Education or Motherhood is Sacred program; Breaking the Cycle and Basic Communication parenting classes (both Level I classes); and a Level II parenting class. Lastly, the case plan required Julie to maintain a relationship with Gabriel by following the visitation plan.

August and September 2015 Interim Review Hearings

Two interim review hearings were held between the dispositional and six-month review hearings. At the first one, on August 13, the Agency informed the court that Julie

was appropriately engaged in substance abuse treatment and had tested negative for all substances. The Agency also advised that Gabriel had undergone a psychological evaluation, which revealed a language delay that was negatively impacting his behavior.

At a second interim review on September 16, the Agency again reported that Julie was attending substance abuse treatment and testing negative for all substances. The Agency submitted Gabriel's psychological evaluation, which "strongly" recommended that Julie receive hands-on parenting instruction.

December 2015 Six-Month Review

The Agency's December 15, 2015 six-month review report provided the court with the following update:

Julie was meeting every week with Martin Martinez from the Red Road Program at CTHP for substance abuse services. All drug tests had been negative.

Since July, she had been participating in the Alternatives to Violence Program with Santiago Simental, who described her as " 'a strong participant in the group' " but noted that she was "unable to take responsibility that she ha[d] abused her son in any way."

Julie had graduated from Triple P Positive Parenting Training.

She had reported to the social worker that she was taking medication for anxiety and was seeing CTHP therapist Debbie Swayze. According to Ms. Swayze, however, she had not seen Julie since August. The social worker redirected Julie back to therapy with Ms. Swayze.

On July 30, Julie completed the Intake Support Group at the Family Center in Ukiah and immediately enrolled in FEG. She had problems settling into a FEG, however, leaving the first one due to a concern about the facilitator, being asked to leave the second one by the other participants, and not wanting to participate in a third because of its time and location (Willits rather than Ukiah).

Julie was having a difficult time working with social worker Nori Dolan, and her behavior at two meetings in November had escalated to the point where she was escorted out by security. On December 2, she met with Ms. Dolan and the social worker

supervisor to complain about her case plan and Ms. Dolan. Julie had filed a complaint about Ms. Dolan and requested that she be assigned a new one.

The Agency believed that Gabriel's continued placement was necessary as Julie "has not fully addressed the reason for her involvement with the Agency. The minor is still at risk of detriment based upon the mother's continued denial she physically abused her son. Although the mother has participated in services and been fairly consistent in her attendance, she continues to demonstrate a lack of ability to fully supervise her son during visits. The mother has also demonstrated aggressive behaviors towards staff at the Agency."

In a December 28 addendum to the six-month review report, the Agency informed the court that Julie had completed the Parenting Apart workshop and would be referred to CTHP therapist Christine Friedrich. Ms. Swayze's primary focus was substance abuse issues, while Ms. Friedrich would better be able to address Julie's mental health issues. Julie had also begun attending the Willits FEG.

The Agency also submitted Julie's psychological evaluation, which reiterated that Julie needed hands-on, interactive parenting instruction and also recommended individual therapy to help her examine her "dysfunctional beliefs and attitudes" and develop "new, alternative responses and the establishment of new habits," among other things.

At a December 29, 2015 six-month review hearing, the court found that Julie had partially complied with her case plan but had not made significant progress toward alleviating or mitigating the causes necessitating Gabriel's removal. The court ordered continued reunification services, specifically ordering individual therapy for Julie and Gabriel and a hands-on parenting program (Child's Playhouse).²

March 2016 Interim Review

On March 8, the court held a hearing on a section 388 petition of counsel for Gabriel to reduce Julie's visitation from two hours per week to one hour per week in a

² This interactive parenting class was alternatively referred to as Child's Play and Children's Playhouse.

therapeutic setting. The recommendation was based on Gabriel's behavioral problems surrounding visits. The parties agreed Julie would have one weekly visit for one and a half hours with a trained parenting instructor to model behavior and give her suggestions. The social worker would also attempt to commence family therapy between Julie and Gabriel. The court adopted the agreement as its order.

April 2016 Interim Review

At an April 12 interim review hearing, Julie advised the court that her work schedule conflicted with Ms. Friedrich's availability and requested assistance from the Agency in locating a new therapist. Social worker Kristin Surges informed the court that she had talked to CTHP and "there's no one there that can take them on as family therapy right now. And they did mention that they were concerned that [Julie] was missing all of her own therapy sessions so they were reluctant to start trying to schedule more. [¶] Redwood Children's Services didn't have anyone. I agree it would be a good thing for them and I'll keep trying."

Counsel for Gabriel observed that Julie needed to participate in her own therapy and make some progress before family therapy could begin. The court urged Julie to work on resolving her scheduling issues with Ms. Friedrich and for the Agency to consult with Julie's and Gabriel's individual therapists to determine if family therapy was appropriate at that time. If so, the court instructed them "to try to work that out."

12-Month Review and Termination of Services

On June 6, 2016, the Agency submitted a 12-month status review report in which it recommended the termination of services and the setting of a section 366.26 permanency hearing.

The Agency's report detailed the various components of Julie's case plan in which she had made progress. She was continuing to attend the Red Road substance abuse program with Mr. Martinez, who reported that she now had a job, a house, and a car. She was also attending Motherhood is Sacred. She had submitted to random drug testing from January to May, all with negative results. She had completed Intake Support; Triple P Recovery Support; Discipline with Confidence; Breaking the Cycle; and

Communication. She had attended FEG in Ukiah until November 2015, and then began attending the Willits FEG in December 2015. The FEG facilitators expressed concern, however, that Julie continued to deny that she injured Gabriel and that she needed support or help.

The Agency noted that back in July 2015, Julie had participated in a psychological evaluation with Dr. Gloria Speicher, who recommended therapy with a licensed family therapist. Julie had failed to follow through with the recommendation, having attended only three sessions with CTHP therapist Friedrich since the April hearing. Ms. Friedrich reported that she did not hear from Julie for several months, and Julie had either canceled or not shown up for the last few appointments she made. According to Ms. Friedrich, Julie was rebellious and invested in proving she was right, rather than accepting what she needed to do and working on it.

Julie had completed 41 sessions of a 52-week domestic violence/anger management treatment program. However, she had been unable to meet with the social worker and supervisor without interrupting and becoming angry. During two meetings, Julie became so angry she had to leave.

Visitation notes confirmed that social worker assistant Emily Baize provided Julie with hands-on parenting instruction at visits on March 23 and 30. Ms. Baize left her employment with the Agency sometime between the April 12 review hearing and the 12-month review, and it was not known during how many visits she had provided parenting instruction.

On May 24, the social worker located a therapist, Richard Dipman, who was willing to work with the family. CTHP had been unwilling to schedule family therapy because Julie was not attending individual therapy.

Significantly, the Agency reported that despite Julie's completion of many classes, she had not incorporated what she had learned in order to appropriately parent Gabriel. After 12 months of family reunification services, she continued to deny that she had abused him. He continued to have extreme behavioral problems after visits with Julie but

not after visits with anyone else. She had difficulty interacting with him as a parent, following his lead during visits, and reading his cues.

In a July 14 addendum to the 12-month review report, the Agency reported that Julie missed drug tests on June 30 and July 11, without providing a reason for noncompliance.

The addendum also informed the court that as of July 6, Julie had attended three family therapy sessions with therapist Dipman and was making satisfactory progress.

Therapist Friedrich reported that Julie had attended two sessions in May and two in June. Julie had informed Ms. Friedrich that she worked during all the hours that CTHP was open and could not attend therapy. Ms. Friedrich acknowledged that Julie loves Gabriel and that she had made progress in that she had been able to get a job and an apartment, but she had not addressed her mental health issues and continued to deny that she had any.

The addendum concluded with the Agency's opinion that "as long as [Julie] continues to deny that she physically abused her son and refuses to take responsibility, she is not able to resolve the issues that caused her son to be removed from her care. Therefore, the risk of reoccurrence remains and Gabriel cannot be safely returned to the care of his mother"

Contested 12-Month Review Hearing

A contested 12-month review hearing was held on July 20 and 26. The following evidence was presented:

Santiago Simental had been seeing Julie for anger management and child abuse services since July 2015. Julie's goals for the program were to understand her role in the incident that led to Gabriel's removal and what she needed to change to safely parent him. Initially, she did not make progress, but she subsequently began to do " '[v]ery good work' " in their group sessions. Mr. Simental acknowledged Julie had not admitted she kicked Gabriel and thus had not met the goal of having a clear understanding of her role in the injury she caused him, but Julie had said she knew right from wrong and would never harm Gabriel. Mr. Simental acknowledged that the fact that someone was

unwilling to admit she had previously harmed someone would cause him to be concerned over her promise not to hurt the person in the future. He nevertheless believed Julie possessed what it takes to be a safe parent.

According to Mr. Simental, the fact that Julie had gone from being homeless and unemployed to having two jobs and a place to stay and was participating in services demonstrated she had made progress. When asked if this indicated that a person had better control of his or her anger, he answered, “I would not say that is an indicator of changing somebody’s emotions about anger or not anger.” He acknowledged he had not spent any time with Julie outside of group sessions and that someone could engage in group sessions but still have anger issues. He also acknowledged that Julie missed five sessions, including four since June 14.

Martin Martinez from the Red Road substance abuse program began seeing Julie for substance abuse treatment in May 2015. When she first began the one-on-one sessions, she was shut down. Mr. Martinez taught her how to communicate and disown the negative, and she started “working and working” and was doing “a good job” at the time of the hearing. She had made a lot of progress in communicating, controlling her emotions, and letting go of things that were bothering her. Julie had also completed the Motherhood is Sacred class. Mr. Martinez was unaware the dependency case involved allegations of child abuse; if he had known that he would have referred her to behavioral health.

Mandi Johnston, a social work assistant for the Agency, supervised four visits between Julie and Gabriel, one each in October and November 2015, and January and March 2016. During the visits, Julie would follow Gabriel’s lead and engage with him for the duration of the visit, playing in the sand box, painting pictures, and doing activities with him. Ms. Johnston never observed her hit or become violent with Gabriel. He acted out a bit with Julie, but she remained fairly calm in dealing with him. On one visit, Julie solicited help in controlling Gabriel, but she was able to deescalate his behavior.

Licensed clinical social worker Richard Dipman provided family therapy for Julie and Gabriel to help address their difficult interactions during visits. The Agency contacted him in late May or early June 2016 and their first session was June 7. Julie had not made a lot of progress because they had only had four sessions, but she was attempting to interact with Gabriel and he seemed to be responding favorably. There were times, however, that Julie expressed her belief that her approach was adequate and they did not need family therapy. Mr. Dipman believed that with another five months of therapy, they could make progress. Asked if the improvement could be considerable, he answered that it was difficult to make a prediction because they had not had enough sessions to properly gauge what the future might look like, but it was going well and he hoped it would continue to improve. Asked if he expected Julie's resistance to the therapy to decrease as they developed trust, Mr. Dipman answered, "Well, I think yesterday when we had a visit, I saw more resistance than before so there's an ebb and flow."

Debra Lovett co-facilitated FEG at the Family Center. Ms. Lovett facilitated six FEG sessions that Julie attended, in August and September 2015. By the third or fourth session, Julie believed another participant was being attacked and did not feel like the group was a safe place. After a conversation with the co-facilitators in which Julie was "pretty agitated," she left the session and filed an official complaint.

John Flammang was a FEG facilitator in Willits. Julie began attending one of his FEGs after she was moved out of her original group, and she was still participating in his group at the time of the hearing. Mr. Flammang described Julie as "pretty positive in group" and "always in a calm mood." She consistently spoke about how much she loved and missed Gabriel and wanted him back, although she consistently denied that she had harmed him.

Social worker Dolan handled the case from July 30, 2015 until January 2016. When Ms. Dolan first took over the case, Julie told her she was seeing Mr. Martinez from the Red Road Program at CTHP and Ms. Swayze for therapy. When Ms. Dolan later looked into it, however, she learned Ms. Swayze was a substance abuse counselor, not a

licensed therapist. Thus, in late December 2015, she referred Julie to therapist Friedrich, and Julie began individual therapy with her on December 23. In January 2016, she also referred Julie to Child's Playhouse, which was to start later that month in either Ukiah or Willits.

Social worker Kristin Surges testified that she began handling the case in early January 2016. She was aware that Julie's psychological evaluation recommended an interactive parenting class. Once she took over the handling of the case, she contacted the supervisor of the Family Center to find out when they were going to next offer a Child's Playhouse class in Willits and was told it was not going to be offered at that time. Although a Child's Playhouse class was offered in Ukiah, she did not consider Ukiah a viable option "because Child's Play is offered in the morning, and Gabriel was struggling in school and it was not thought to be in his best interest to [leave] school once a week."

When Ms. Surges recommended termination of services, she was aware of the progress Julie had made in her substance abuse, anger management, and Triple P programs. She was concerned, however, Julie had not admitted the proceeding stemmed from her physical abuse of Gabriel, nor had she participated in individual therapy to address this issue. In February, Ms. Surges had contacted Ms. Friedrich, but who told her Julie was not attending therapy and had not done so for some time. Ms. Surges contacted Julie to ask why she was not attending and recommended that she start participating in individual therapy. Julie then attended therapy twice in May and twice in June, with the last session on June 18. In a mid-July conversation, Ms. Friedrich reported to Ms. Surges that Julie had taken a new job and was no longer available during any of the hours that CTHP was open for therapy. Ms. Friedrich reported that Julie was focused on getting a job and a house, and was not working on her issues because she would not admit she had any.

Ms. Surges's recommendation to terminate services was also based on Julie's lack of progress in her visitation. Following her visits, Gabriel had "some very severe temper tantrums that have lasted for hours and even almost all night one time" Visits were

reduced to once a week, and the tantrums decreased, although they still occurred to a lesser degree.

CTHP Director Melanie Ulvila had been contacted by the Agency more than six months earlier to set up family therapy for Julie and Gabriel. She told them her schedule was full and she was unable to take on a new client.

Julie was the last witness to testify. Asked about the May 4, 2015 incident, Julie testified that she and Gabriel were staying at the Sunrise Inn Motel. A friend had agreed to let them stay at his house because the motel was “really disgusting.” Around 10:00 p.m. that evening, she was moving their belongings from the motel room to a car. Gabriel was running in and out of the room when he tripped and fell on a toy box. She picked him up and he thought she was being cruel, and in the process he got a bloody nose. Julie claimed that he had frequent nosebleeds for which they had consulted his pediatrician.

Julie denied that she screamed or swore at him to keep him in line that night—“I rarely ever raise my voice”—or that she kicked him. She denied she was under the influence of any substance that night, testifying she had been sober for many years. She did not recall yelling at the social worker in front of Gabriel at a November 23, 2015 visit. She admitted she got angry at a November 17, 2015 meeting with the social worker to talk about her FEG group, but she denied raising her voice. Julie acknowledged she had difficult meetings with the social worker and supervisor, which she attributed to them being prejudiced against her. Julie did not believe she needed a support group to help her with Gabriel.

Julie testified that therapist Friedrich was “pretty busy” and that she was told she just had to “wait [her] turn” Her new job conflicted with Ms. Friedrich’s availability, but between March 4 and May 16 she had attended seven therapy sessions.

Trial Court’s Order Terminating Services

At the conclusion of the 12-month review hearing, the court found by a preponderance of evidence that the return of Gabriel to his mother’s care would create a substantial risk of detriment to his physical or emotional well-being.

It next found by clear and convincing evidence that the Agency offered Julie reasonable services. It recognized there were “problem areas” with providing family therapy for Julie and Gabriel, but noted it was not a “complete lapse,” as Julie had hands-on parenting assistance in March. And the Agency contacted CTHP Director Ulvila in March or April 2016, and while CTHP could not offer Julie services due to a full schedule, she also indicated she would be reluctant to do so because Julie was not engaging in individual therapy. And by June, Julie and Gabriel were participating in family therapy with Mr. Dipman.

Further, the court noted that there was initial confusion about individual therapy (attributable to both Julie and the social worker) but that was resolved by December 2015, when Julie started receiving individual therapy with Ms. Friedrich. But the court was troubled that since that time, “there have been a lot of missed appointments, more missed than actually followed through with.” Nevertheless, looking at the circumstances as a whole, the court found the Agency had provided reasonable services.

The next question for the court was whether there was a substantial probability Gabriel would be returned to Julie’s custody within 18 months of the initial removal. The court found there was not, because Julie “has not made significant progress in resolving the problems that led to the removal. And that she has not demonstrated the capacity and capability to complete the objectives of the treatment plan and to provide for the child’s safety, protection, physical and emotional health and special needs” Most concerning to the court was that Julie had not “come to grips” with the sustained b-2 allegation that she was arrested for physically abusing Gabriel: “[I]t’s apparent from a number of witnesses that you haven’t admitted it, you’re not acknowledging it and you’re not ready to deal with it.”

In light of the foregoing findings, the court terminated reunification services and set a section 366.26 permanency hearing for December 1, 2016.

On August 9, 2016, Julie filed a notice of intent to file a writ petition, followed by the petition on September 30.

DISCUSSION

Substantial Evidence Supports the Court's Finding that Julie Had Not Made Significant Progress in Resolving the Problems that Led to Gabriel's Removal

At the 12-month review, the court “shall” continue reunification services to 18 months from the child’s removal from the parent’s custody if there is a “substantial probability that the child will be returned to the physical custody of his or her parent” within 18 months. (§ 366.21, subd. (g)(1).) In order to find a substantial probability that the child will be returned to his or her parent’s custody within the extended period of time, the court must find: “(A) That the parent or legal guardian has consistently and regularly contacted and visited with the child. [¶] (B) That the parent or legal guardian has made significant progress in resolving problems that led to the child’s removal from the home. [¶] (C) The parent or legal guardian has demonstrated the capacity and ability both to complete the objectives of his or her treatment plan and to provide for the child’s safety, protection, physical and emotional well-being, and special needs.” (*Id.*, subd. (g)(1)(A)–(C).) Here, the juvenile court found there was not a substantial probability Gabriel would be returned to Julie’s custody within 18 months from his removal, because she had not made significant progress in resolving the problems that led to his removal (*Id.*, subd. (g)(1)(B).)³ Julie challenges this finding, contending it was unsupported by substantial evidence. We conclude otherwise.

One of the requirements of Julie’s case plan was that she participate in a court-ordered psychological evaluation and follow all treatment recommendations. She submitted to an evaluation by Dr. Gloria Speicher in July 2015. However, among Dr. Speicher’s treatment recommendations was that Julie participate in individual therapy to help her examine her “dysfunctional beliefs and attitudes” and develop “new, alternative responses and the establishment of new habits,” among other things. This, she did not do.

³ The court also found Julie had not demonstrated the ability to complete the objectives of her treatment plan and provide for Gabriel’s safety and wellbeing. (§ 366.21, subd. (g)(1)(C)). As we read her petition, she does not appear to challenge this finding.

There was, as the court acknowledged, some initial delay in this service being made available to Julie, arising out of a misunderstanding by both Julie and social worker Dolan as to the nature of the therapy Ms. Swayze was providing compared to what Julie was supposed to be receiving. This confusion was resolved by December 2015, when Ms. Dolan referred Julie to Ms. Friedrich for individual therapy. But once this referral was made, Julie did not meaningfully participate in therapy. As of the March 8 interim hearing, she was not attending therapy, Ms. Friedrich having not heard from her for several months. Between the April 12 interim hearing and the Agency's June 6, 2016 12-month review report, Julie attended only three therapy sessions, having either canceled or not shown up for the last few appointments she had made. And, according to the Agency's July 14 2016 addendum to the 12-month review report, Julie attended only two in May and two in June. Clearly, Julie's effort to engage in individual therapy was lackadaisical at best, apparently because, in the opinion of her therapist, she did not believe she needed it.

While the individual therapy component of Julie's case plan was but one part of her plan, it was a very critical component. Throughout the proceeding, Julie failed to acknowledge she had physically abused Gabriel. Multiple professionals testified as to the fundamental importance of acknowledging the abuse as a component of resolving the behaviors that drove the abuse. And, without resolving those behaviors, Gabriel was not safe in her care.

Julie concedes she did not "maintain consistent individual therapy attendance," but she minimizes the significance of this failure by directing our attention to components of her case plan that she did complete. While her accomplishments were certainly laudable, we cannot overlook the court's rightful concern that the component on which she failed to make progress was aimed at helping her identify and resolve the reasons she abused her son.

Julie also dismisses the court's concern that she had not admitted her abuse of Gabriel, contending it did not mean she had not made substantial progress. This is so, she argues, because she completed the child endangerment education component of her

anger management program, and Mr. Simental (her anger management counselor) testified she understood physical abuse was never appropriate and he did not believe she would abuse Gabriel in the future. This ignores his testimony that because she had not admitted her abuse of Gabriel, she had not met her goal of having a clear understanding of her role in injuring him. And it ignores his testimony that the fact someone was unwilling to admit she had previously harmed someone else would cause him concern over her promise not to hurt the person in the future. And it ignores his testimony that the fact someone had gone from being homeless and unemployed to having two jobs and a place to stay and was participating in services was not an indicator of that person's ability to control his or her anger. And it ignores his testimony that he had not spent any time with Julie outside of their group sessions, and someone could engage in anger management group sessions and still have anger issues. As the social worker noted in the June 15, 2016 review report, while Julie was able to maintain calmness while taking anger management and parenting classes, she was unable to exhibit appropriate behavior in real life situations, such as in dealing with the social worker and during visits with Gabriel. Addressing her own mental health was critical to resolving this disconnect.

Julie also cites as another "important factor" that the court did not sustain an allegation in the original petition that she nonaccidentally physically abused Gabriel.⁴ Conceding it did sustain an allegation that she abused him due to her impairment caused by substance abuse, she argues that because she "adequately addressed her substance abuse problem, there is no longer a threat that substance abuse would contribute to another incident of physical abuse of the minor." The informed opinion of Dr. Speicher, who believed Julie needed therapy to address her mental health issues, was otherwise.

⁴ The original petition contained a section 300, subdivision (a) serious physical harm allegation that Julie "inflicted physical harm on her four year old son, Gabriel H[.], due to excessive and cruel punishment that includes but is not necessarily limited to the mother pinching his ears and kicking him in the face resulting in Gabriel sustaining a bloodied nose and marks on his nose."

In short, given that Julie’s abuse of Gabriel was the fundamental reason behind his detention, the evidence that she refused to acknowledge this abuse and failed to engage in therapy to help her address the reasons for this abuse was substantial evidence supporting the court’s finding that she had not made significant progress in resolving the problems that led to Gabriel’s removal. (§ 366.21, subd. (g)(1)(B).)

The Juvenile Court’s Finding That the Agency Provided Reasonable Services Was Supported by Substantial Evidence

In order to terminate reunification services and set a section 366.26 permanency hearing, the juvenile court must first find by clear and convincing evidence that the Agency provided the parent with reasonable reunification services. (§ 366.21, subd. (g)(1)(C)(ii).) The court here made such a finding, a finding Julie contends was erroneous because the Agency failed to provide adequate hands-on parenting education. As she explains it, the psychological evaluations of both her and Gabriel recommended hands-on parenting education, but “this critical service was not initiated in earnest until June of 2016, when there was only around one and a half months remaining before the twelve-month review hearing.” Again, we review the court’s finding of reasonable services for substantial evidence. (*In re Alvin R.* (2003) 108 Cal.App.4th 962, 971; *In re Maria S.* (2000) 82 Cal.App.4th 1032, 1039.) “In reviewing the reasonableness of the services provided, this court must view the evidence in a light most favorable to the respondent. We must indulge in all legitimate and reasonable inferences to uphold the verdict. If there is substantial evidence supporting the judgment, our duty ends and the judgment must not be disturbed.” (*In re Misako R.* (1991) 2 Cal.App.4th 538, 545.)

We judge the adequacy of the reunification plan and of the Agency’s efforts to provide reasonable services according to the circumstances of the particular case. (*Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1011; *In re Christina L.* (1992) 3 Cal.App.4th 404, 416 [reasonableness of reunification services is to be determined in light of all relevant circumstances].) “ [T]he record should show that the supervising agency identified the problems . . . maintained *reasonable* contact with the parents during the course of the service plan, and made *reasonable* efforts to assist the parents in areas

where compliance proved difficult’ [Citations.]” (*Mark N. v. Superior Court, supra*, 60 Cal.App.4th at p. 1011.)

In examining the circumstances of this case, it is evident the Agency provided Julie with extensive services tailored to her specific needs. The referrals included the following: the Red Road program for substance abuse services, the Alternatives to Violence Program for anger management treatment, Dr. Speicher for a psychological evaluation, Ms. Friedrich for individual therapy, Mr. Dipman for family therapy, an Intake Support Group, FEG, Triple P parenting support, and numerous other parenting resources such as Discipline with Confidence and Breaking the Cycle. In addition, the social workers maintained regular contact with Julie to aid her in engaging in the services provided.

Despite these abundant services, Julie contends the services were unreasonable because the Agency failed to provide adequate hands-on parenting instruction. In fact, Julie did receive such instruction. Social worker assistant Emily Blaize (a Triple P trained staff member) provided parenting instruction during at least two visits in March 2016. And in June 2016, Julie and Gabriel began family therapy with Richard Dipman, with the focus on hands-on parenting and Julie’s lack of response to Gabriel during visits. They had four sessions with Mr. Dipman prior to the 12-month review hearing.

Additionally, it is important to note that CTHP was unwilling to provide family therapy until Julie engaged in individual therapy. Thus, while Julie complains about this alleged deficiency in the services, it was due in large part to her own failure to engage in the services that were provided.

Finally, while Julie’s hands-on parenting education could have been more extensive, that is not the standard. “In almost all cases it will be true that more services could have been provided more frequently and that the services provided were imperfect. The standard is not whether the services provided were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances.” (*In re Misako R., supra*, 2 Cal.App.4th at p. 547.) What was required of the Agency was “to ‘make a good faith effort to develop and implement a family reunification plan . . . [with]

the objective of providing such services or counseling “as will lead to the resumption of a normal family relationship.” ’ ’ (*In re Jasmon O.* (1994) 8 Cal.4th 398, 424.) “A proper service plan must be tailored to the specific needs of the dysfunctional family. However, to make the requisite findings, the record should show that the supervising agency identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained *reasonable* contact with the parents during the course of the service plan, and made *reasonable* efforts to assist the parents in areas where compliance proved difficult (such as helping to provide transportation and offering more intensive rehabilitation services where others have failed).” (*In re Riva M.* (1991) 235 Cal.App.3d 403, 414.) The services here easily satisfied these requirements.

DISPOSITION

The petition of mother Julie L. for extraordinary writ relief is denied on its merits. The decision is final as to this court forthwith. (Cal. Rules of Court, rule 8.490(b)(2)(A).) The November 29, 2016 order staying the Welfare and Institutions Code section 366.26 hearing is hereby dissolved.

Richman, J.

We concur:

Kline, P.J.

Stewart, J.